

Section 5. Council to effect change.

The City Council shall, and it is hereby authorized to pass all such ordinances not inconsistent herewith, as may be necessary to fully effect the change from the present fiscal year to the fiscal year fixed by this article. (Added by amendment December 28, 1915)

Note—The title of this section was added by the editor; it is not titled in the certification of the 1915 Charter Election.

Section 6. Repeal of Laws in Conflict with this Article.

Section 8 of Article VI, the first and fourth paragraphs of Section 10 of Article VII, the first paragraph of Section 4 of Article VIII, and all other sections or parts of sections of the existing charter of the City of Houston in conflict with this article shall be and are hereby repealed. (Added by amendment December 28, 1915)

ARTICLE VII. CITY COUNCIL**Section 1. COMPENSATION OF COUNCILMEN.**

Each Councilman shall receive as compensation for his services the sum of \$3,600.00 per annum, payable in equal semi-monthly installments, and in addition, all necessary expenses incurred by members of the City Council in the performance of their official duties shall be paid by the City.

The Councilmen shall not be required to devote their full time to the duties of their offices.

This amendment shall become effective on the 1st day of August, A. D. 1947. (Added by amendment August 15, 1942; amended July 26, 1947)

Sec. 2. Vacancies.

If the positions of six or fewer Council Members are vacant at any one time, the remainder of the City Council shall, by a majority vote, fill each such position. If the positions of seven or more Council Members are vacant at any one time, the remainder of the City Council shall call a special election to fill such positions, unless such vacancies occur within sixty days of a City General

Election, in which event the remainder of the City Council shall, by a majority vote, fill each such position. A person selected to fill any such vacant position must meet all qualifications for such position and shall serve during the unexpired term of such position. (Added by amendment August 15, 1942; amended August 11, 1979)

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Sec. 3. Meetings.

At eleven o'clock A.M. on the day the members of the City Council take office, they shall meet at the City Hall and thereafter all meetings of the Council shall be held in the City Hall at such times as may be prescribed by ordinance or resolution; but not less than one regular meeting shall be held each week unless postponed for valid reasons, to be spread on the minutes. Special meetings shall be called by the City Secretary upon the written request of the Mayor or three Council Members.

All meetings of the Council and of all committees thereof shall be open to the public and the rules of the Council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any such meetings in regard to any matter to be considered, provided that the Council may enact ordinances requiring applications for hearings to be in writing and shall have power to prescribe rules and regulations for such hearings.

A quorum shall consist of a majority of the members elected, except where the number of members, due to vacancies, is reduced to less than two-thirds of the total number of members elected, in which event a quorum shall consist of all the remaining members; but a less number than a quorum may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The council shall act only by ordinance, resolution or motion, and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of appropriation, except that a single ordinance authorizing one or more contracts, agreements or obligations may also make an appropriation of money for the same.

The ayes and nays shall be taken upon the passage of all ordinances, resolutions and motions and entered upon the minutes of the proceedings of the Council, and every ordinance, resolution, or motion shall require on final passage the affirma-

tive vote of at least a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct, or where his financial interests are involved. (Added by amendment August 15, 1942; amended August 11, 1979, August 14, 1982)

Section 4. Restrictions upon Members of the Council.

No member of the City Council shall hold any other public office, or hold any office or employment, compensation for which is paid out of public moneys, except membership on the Board of Appraisal; nor be elected or appointed to any office created by, or the compensation of which was increased or fixed by the City Council while he was a member thereof, until after the expiration of at least one year after he has ceased to be a member of the City Council. Nor shall any member of the City Council, or any officer of the City of Houston, be pecuniarily interested, directly or indirectly, in any contract let by the city, or in any work done by the city, or in any matter wherein the rights or liabilities of the City of Houston are or may be involved.

In the event such officer of the City of Houston shall become interested, directly or indirectly, in any contract or work, purchase or sale made by the City of Houston, then the said contract or work, purchase or sale, shall be null and void and shall be discontinued, and new arrangements shall be entered into as in case of the incipency of the contract of work, purchase or sale. (Added by amendment August 15, 1942)

Section 5. City Council May Summon Witnesses.

The City Council shall have power to summon and compel the attendance of witnesses and the production of books and papers before it whenever it may be necessary for the more effective discharge of its duties, and shall have the power to punish for contempt with the same fines and penalties as the County Judge may impose in punishing for contempt before the County Court. All processes shall be signed by the Mayor and

attested by the City Secretary and shall be served by the Chief of Police or any police officer of the said city.

The Mayor, City Secretary or any member of the City Council shall have the authority to administer oaths in any matter pertaining to municipal affairs. (Added by amendment August 15, 1942)

Section 6. Rules of the Council.

The City Council shall determine its own rules of procedure, may punish its members for misconduct, shall compel the attendance of members, and, by a vote of a two-thirds majority of the members elected, may impeach and remove a member.

Any member of the City Council who shall have been convicted of bribery or who shall violate any of the provisions of this Article shall forfeit his office and the emoluments attached thereto. (Added by amendment August 15, 1942)

Section 7. Passage of ordinances after introduction.

No ordinance shall be passed finally on the date it is introduced, except in the case of public emergencies, and then only when requested by the Mayor in writing; provided that no ordinance or resolution making a grant of any franchise or special privilege shall ever be passed as an emergency measure. (Added by amendment August 15, 1942)

Note—The title of this section was added by the editor; it was not titled in the ordinance calling the 1942 Charter Election.

Section 8. May Establish Office, Fix Salary and Define Duties.

The City Council shall, consistent with the provisions of this Charter, have power to establish any office that may in its opinion be necessary or expedient for the conduct of the city's business or government, and may fix its salary and define its duties; provided, however, that all offices established by the Council shall be subject to discontinuance or abolishment by the Council at any time, and in no case shall any officer or employee of the city be entitled to receive any compensation

or emolument of any office which may be abolished, or from which he may be removed, except for services rendered to the date when the office was abolished or the incumbent removed.

The Council shall require all officers of the city to give bond in such sum as may be prescribed by ordinance, which sum shall always be of sufficient amount amply to protect the city. (Added by amendment August 15, 1942)

Sec. 9. Limitations on the power to sell or lease real estate.

In addition to the power already possessed by it, the City of Houston shall have the power to lease any real estate or interest therein, mineral or otherwise, owned by it. The city council shall not have the power to sell or dispose of any real estate or interest therein, or make any mineral lease of land belonging to the city, except by ordinance adopted by a vote of two-thirds of the council. The City Council shall enact by a vote of two-thirds of the Council, such ordinances governing the sale, lease or disposal of said real estate or interest therein as it deems to be in the best interest of the City; which shall establish the minimum monetary value of the real estate or interest therein at which the Council must appoint two qualified appraisers for the purpose of determining fair market value prior to completion of the transaction; which may define and identify authorized transactions involving the sale, lease or disposal of said real estate or interests therein; and which may outline the procedures for and the manner in which such transactions shall be administered.

It shall be the duty of the Tax Assessor and Collector of the City of Houston, prior to June 1st of each year, to prepare and present to the City Council an inventory of all of the real estate or interest in real estate owned by the City of Houston, together with an inventory of all of the improvements situated thereon.

The provisions of this section shall not apply to the sale or conveyance of property by the City acquired by it at the foreclosure of a tax lien. (Added by amendment August 15, 1942; amended November 5, 1991)

Section 10. Councilmen have Legislative Power Only.

All legislative powers of the City shall be vested, subject to the terms of this Charter and the Constitution of the State of Texas, in the City Council; and no Councilman shall exercise any administrative powers or be the head of any department. (Added by amendment of August 15, 1942)

Section 11. Provision for Interest and Sinking Fund on Bonded Indebtedness in Budget.

In making up the budget allowance for any current year, the City Council shall first make provision for the payment of the interest and the creation, setting aside and preservation of a legal sinking fund upon all of the outstanding bonded indebtedness of the city, and shall then make such appropriations as the remaining revenues of the city justify, to be apportioned among the respective departments, or otherwise appropriated for public uses, as to the Council may seem best; provided, however, that in no case shall the entire appropriation as made, which comprehends interest and sinking fund on the bonded debt, together with other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenues of the city derived from ad valorem taxes upon the basis of the total valuation of the property for taxation for the preceding year, and of such other contingent revenues of the city as may probably accrue.

It shall be deemed a malfeasance for the City Council to make an appropriation in the budget the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year. (Added by amendment of August 15, 1942)

Section 11a. Appropriation for emergency fund.

The City Council at the time it makes the budget allowance for any current year, or at any subsequent time, may also appropriate a sum not to exceed Five Thousand Dollars (\$5,000.00) to be used by the Mayor as an emergency fund for any

current year, and for which he shall not be required to account. (Added by amendment July 26, 1947)

Note—The title of this section was added by the editor; it is not titled in the ordinance calling the 1947 Charter Election.

Section 12. Savings Clause.

If any section, sub-section, clause, sentence or phrase of this article is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of this article. (Added by amendment August 15, 1942)

ARTICLE VII-a. RECALL OF OFFICERS.

Section 1. Scope of Recall:

The holder of any public office in the City of Houston, whether elected thereto by the people or appointed by the City Council, may be removed from office by recall. (Added by amendment October 15, 1913)

Section 2. Petition—Generally.

All petitions for recall of any officer of the City of Houston, shall be instituted by filing with the City Secretary of a verified written petition requesting the removal of such officer, which said petition shall be signed by the qualified electors of the City of Houston, in number not less than twenty-five per cent. of the total vote cast at the Democratic Primary for the nomination of Mayor and Commissioners next preceding the filing of said petition. The signers of said petition shall also set opposite their respective names, the number of his residence, naming the street, and shall also state the day of the month and the year when such signature was affixed. (Added by amendment October 15, 1913)

Note—The title of this section was added by the editor; it was not titled in the Ordinance calling the 1913 Charter Election.

Section 3. Form of Petition:

The form of petition above provided for shall be as follows:

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF HOUSTON:

We, the undersigned hereto, who are qualified voters of the City of Houston, request the removal